REMARKS/ARGUMENTS

In view of the following remarks, the applicant respectfully submits that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, Applicant respectfully requests that the Examiner contact Applicant's undersigned representative to schedule a telephone interview before issuing any further actions on the merits.

The applicant will now address each of the issues raised in the outstanding Office Action.

I. Rejections Under 35 U.S.C. § 102

1. Claims 1 and 21-26

Claims 1 and 21-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,550,907 ("the Carlsen patent"). Applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following:

The Carlsen patent describes utilizing the Service Control Point (SCP) to query various intelligent terminals. The terminals respond with the time (and day) at which the subscriber last logged onto such terminal (col. 5, lns 34-37). **The SCP then determines** which of the queried terminals has the most recent login, and sends that information to the switch, **directing** the switch to complete the call to that terminal (col. 5, lns 50-59).

Assuming arguendo, the intelligent terminals are "computers," there is no teaching or suggestion to have any one terminal **"select a first party to service the incoming call,"** as is specified in claim 1. Further, even taking the intelligent terminals as a group, **the terminals don't select a first party, the SCP does.**

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In contrast, in claim 1 of the instant invention, **the first computer selects a first party to service the incoming call.** The Carlsen patent teaches away from this approach by having the SCP select a **first party to service the incoming call using information obtained from one or more terminals.**

Claim 1 is reprinted below with the distinguishing features depicted in bold typeface:

> Claim 1 (original): A call processing method, comprising the steps of:
>
> operating a telephone switch to detect receipt of an incoming telephone call on a subscriber telephone line;
>
> in response to detecting an incoming telephone call on the subscriber telephone line, operating the telephone switch to transmit a message to a service control point indicating receipt of a call on the subscriber telephone line;
>
> **operating the service control point to transmit a message to a first computer in response to the message transmitted by said telephone switch; and**
>
> **operating the first computer to select a first party to service the incoming call.**

Accordingly, since the Carlsen patent does not teach the above steps, it is respectfully submitted that claim 1 is not rendered unpatentable under 35 U.S.C. § 102(b).

Claim 21 calls for **"operating a first computer to contact a second computer to determine the status of a telephone line coupled to the second computer system."** The Carlsen patent does not teach a first computer contacting a second computer. As described above, it calls for intelligent terminals contacting an SCP.

Further, the Carlsen patent does not teach **determining the status of a telephone line.** As also described above, it teaches sending a data message from intelligent terminals to an SCP **"indicating the time (and day) at which the subscriber last logged in to each of the intelligent terminals"** (col. 5, lns 34-37). There is no teaching of **determining the status of a telephone line,** as called for in

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claim 21. It provides a history of the time that the subscriber last logged into the particular intelligent terminal.

Additionally, claim 21 describes "performing a call routing operation **as a function of the determined status of the telephone line** coupled to the second computer system". The Carlsen patent does not teach or describe routing a call based on the status of any telephone line.

Claim 21 is reprinted below with these features depicted in bold typeface:

> Claim 21 (original): A communications method, comprising:
> **operating a first computer to contact a second computer to determine the status of a telephone line coupled to the second computer system; and**
> **performing a call routing operation as a function of the determined status of the telephone line coupled to the second computer system.**

As the above features in claim 21 are not described or taught in the Carlsen patent, it is respectfully submitted that claim 21 is not rendered unpatentable by the Carlsen patent under 35 U.S.C. § 102(b).

As claims 22-26 are dependent on allowable claim 21, it is respectfully submitted that they also are not rendered unpatentable by the Carlsen patent under 35 U.S.C. § 102(b). Additionally, claim 25 contains the limitation of "**operating the first computer to select a party to service said incoming call.**" As argued above with respect to claim 1, this limitation is not taught in the Carlsen patent.

2. Claims 15-20

Claims 15-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,366,661 ("the Devillier patent"). Applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following:

Claim 15 calls for "a first computer coupled to the first subscriber telephone device by a communications link which supports the transmission of TAPI signals between the first computer and the first subscriber telephone device; and a second computer system coupled to the telephone switch and to the first computer, the second computer including a routine for determining, as a function of **telephone line**

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status information obtained from the first computer, a telephone number to be used to complete the routing of calls to the first telephone line."

The Devillier patent describes a computer associated with a telephone line. **There is no second computer.** Even assuming that another device in the Devillier patent could be construed as a "second computer," there is **no device which determines, as a function of telephone line status information. . . a telephone number to be used to complete the routing of calls.**

More particularly, the computer of the Devillier patent is connected to the Internet, and also to a status module (44) to provide information as to the **online** status of a subscriber (col. 5, lns 8-17). The Devillier patent describes routing calls based on the status of whether the subscriber is logged onto the Internet; not, as is described in claim 15, based upon the "telephone line status." It may be true that when the subscriber is online with the Internet, that might imply that he is using the telephone line. However, this is a different system from that described in claim 15. The Devillier patent monitors for an Internet connection, whereas claim 15 calls for determining routing of an incoming call based upon the status of the telephone line, regardless of the existence of an Internet connection.

Further, the Devillier patent also describes monitoring the status of the subscriber being "online" **at his office**, in order to determine the routing of calls placed **to his home phone.** In this case, the subscriber being "online" would not indicate either way whether the telephone line associated with the first computer (home computer) would be in use or not (col. 7, ln 66-col. 8, ln 58).

Claim 15 is reprinted below with these features depicted in bold typeface:

> Claim 15 (original): A communications system comprising:
>> a telephone switch including trigger circuitry for detecting calls to a first telephone line on which a trigger is set, a first telephone number being associated with the first telephone line;
>> a first subscriber telephone device coupled to the telephone switch by the first telephone line;
>> a first computer coupled to the first subscriber telephone device by a communications link **which supports the transmission of TAPI signals between the first computer and the first subscriber telephone device; and**
>> **a second computer system coupled to the telephone switch and to the first computer, the second computer including a routine for determining, as a function of telephone line status**

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          **information obtained from the first computer, a telephone
number to be used to complete the routing of calls to the first
telephone line** which are detected by said trigger circuitry.

For the above reasons, it is respectfully submitted that claim 15 is not
rendered unpatentable based upon the Devillier patent.

As claim 15 is allowable, claims 16-20 are similarly allowable as they are
dependent on claim 15.

II. Rejections under 35 U.S.C. § 103

1. Claims 2-8

Claims 2-8 stand rejected under 35 U.S.C. § 103(a) over the Carlsen patent, in
view of U.S. Patent No. 5,583,564 ("the Rao patent"). The applicants respectfully
request that the Examiner reconsider and withdraw this ground of rejection in view of
the following:

First, claims 2-8 are dependent on claim 1, which as argued above is
allowable. The Rao patent does not correct the deficiencies identified in the Carlsen
patent regarding the anticipation of claim 1. Specifically, Rao teaches having an SSP
that sends a specific message to an SCP **if the subscriber's line is busy, or a
different message if there is a ring-no answer**(col. 3, lns 26-33). The SCP will react
differently depending on the type of message received. In either event, the SCP will
communicate with a database in order to determine the disposition of the call. In
claim 1 of the instant application, as described above, the telephone switch transmits
a message to the SCP in response to **detecting an incoming telephone call.** The SCP
then sends a message to a computer, and **the computer determines the disposition
of the call.**

Further, claim 2 describes "operating the first computer to determine the
availability of the first party to service the incoming call by contacting a second
computer, the second computer being associated with the first party." Neither the
Carlsen patent nor the Rao patent teach or suggest two computers, nor any device
which determines the availability of a party by contacting a computer associated with
the party's phone line. For this reason, as well as the dependency on allowable claim

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1, it is respectfully submitted that claim 2 is patentable over the Carlsen patent and the Rao patent.

Claims 3-8 should similarly be allowed, as they are dependent on allowable claims 1 and 2.

2. Claims 9-14

Claims 9-14 stand rejected under 35 U.S.C. § 103(a) over the Carlsen patent in view of the Rao patent, and further in view of the Devillier patent. Applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following:

First, claims 9-14 are dependent on claim 7, which as argued above, is allowable.

Additionally, as argued above, none of the Carlsen patent, the Rao patent, nor the Devillier patent, nor a combination of any of them, teach or suggest utilizing "a first computer to determine from a second computer if a telephone line associated with the first party is busy" (Claim 7).
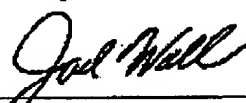
For these reasons, it is respectfully submitted that claims 9-14 are allowable over the Carlsen, Rao, and Devillier patents, either alone or in combination.

III. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, Applicant requests that the Examiner pass this application to issue.

Respectfully submitted,

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